

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID BURLINGAME,	:	
	:	
Plaintiff,	:	25-CV-1704 (JMF)
	:	
-v-	:	<u>ORDER</u>
	:	
ARGO PRIVATE CLIENT GROUP, LTD. et al.,	:	
	:	
Defendants.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:


As discussed on the record at the teleconference held earlier today:

- In light of the appearance of all Defendants in this action, Plaintiff has agreed to withdraw his motion for default judgment. *See* ECF No. 29. Plaintiff’s motion for default judgment is accordingly DENIED and the default judgment hearing/initial pretrial conference previously scheduled for June 11, 2025, is CANCELED.
- On May 23, 2025, Defendants Argo Private Client Group, Aurora Hill, Ltd., Beechwood Investors Group, LLC, Dan Miller, Allison Miller, Ryan Nelson, and Suede Nights LLC filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Because leave to amend should be “freely” granted “when justice so requires,” the Court grants Plaintiff leave to amend to address the issues raised in that motion to dismiss. Fed. R. Civ. P. 15(a)(2).
- Plaintiff shall file any amended complaint by **June 23, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by either of the pending motions to dismiss.
- By three (3) weeks after the amended complaint is filed, each set of Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If either set of Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss or indicate that they rely on their previously filed motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

The Clerk of Court is directed to terminate ECF No. 29.

SO ORDERED.

Dated: May 29, 2025  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge